REMARKS

Claim Rejections - 35 U.S.C. § 102

Claims 1, 5 - 11, and 15 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Gandhi et al. (US 2005/0267935; hereinafter "Gandhi"). Applicants respectfully traverse this rejection.

Claims 1 and 11

Claim 1 recites, in part:

A device for controlling *equipment management data* in a communications network comprising a network management system capable of managing said equipment management data *using previously loaded management data modules,* associated with said equipment management data and stored in a memory, said device comprising control means which when there is a request by said network management system to take over at least one new item of equipment management data in said communications network, extracts from said *memory the management data module associated with said at least one new item of equipment.*

The Examiner asserts:

User Control Point. The set of modules that enable communication with a UPnP Controlled Device. User Control Points initiate discovery and communication with Controlled Devices, and receive Events from Controlled Devices, wherein the controlled devices are the equipment managed using loaded management loaded modules, (Gandhi et al., Paragraph 0059, Page 4)

and

A User Control Point uploads the Description Document and extracts the URLs of the Servers running on the Controlled Device or Bridge, wherein *the description documents are the management data* associated with the new controlled device, (Gandhi et al., Paragraph 0184, Page 10),

as allegedly disclosing the above recited features. Applicants respectfully disagree with the

Examiner's position.

In Gandhi, user control points 104 and controlled device 106 are components of the

multiple function device 100. (See FIG. 1). The user control point initiates communications and

receives events from controlled devices. (See paragraph [0128]). In operation, however, the

user control point only receives one description document per control device. (See paragraphs

[0075] and [0132]). Each description document is specific to each control device and each

control device only provides the description document of itself. (See paragraph [0075]). Thus,

Gandhi does not teach or suggest "**a** memory" which stores "loaded management data **modules**"

as recited in claim 1.

Claim 1 also recites, in part:

and then loads into said network management system each new management data
module extracted, dynamically, so that the management by said network
management system of said equipment management data in said communications
network is not interrupted.

The Examiner asserts:

in configured networks, dynamic detection allows an operating system to
immediately begin using added devices or stop using removed devices without
rebooting, wherein the new device is managed and the management data is loaded
without rebooting or interrupting the network, (Gandhi et al., Paragraph 0568,
Page 29),

as allegedly disclosing the above recited features. Applicants respectfully disagree with the

Examiner's position.

The Examiner previously asserted in the Office Action on page 3 that the "description

document" allegedly corresponds to the "management data module" of the present invention.

The Examiner now asserts that the "dynamic detection" of Gandhi discloses, "loads into said

network management system each new management data module extracted, dynamically, so that

the management by said network management system of said equipment management data in

said communications network is not interrupted". Gandhi, however, makes no disclosure of the

relation between the "description document" and the "dynamic detection". Furthermore, the

"dynamic detection" of Gandhi does not teach or suggest the "management data module". At

best, the "dynamic detection" of Gandhi teaches devices may be interconnected in a UPnP, but does not teach the above recited features.

Claim 1 is patentable over the prior art. Claim 11 is also patentable over the prior art for analogous reasons, as claim 11 recites similar claim elements, but in a method format. Accordingly claims 2-10 and 12-21 are also patentable over the prior art by virtue of their dependencies on claims 1 and 11, respectively as well as for their additionally recited elements.

Claims 5 and 15

Claim 5 recites, in part, "said control means loads management data modules according to at least a first mode in which said management data modules are loaded independently of any dependencies between said management data modules and a second mode in which, in loading said management data modules, account is taken of any dependencies between them".

The Examiner asserts that the bridge 120 as disclosed in FIG. 2 and paragraph [0197] of Gandhi, discloses the above recited features. Gandhi, however, merely discloses that the Bridge is also a Controlled Device which **announces** Bridged Devices and local Controlled Devices independently, with appropriate unique identifiers, Description Documents and associated URLs. (See paragraph [0197]). Merely announcing bridged devices and local controlled devices, however, does not teach or suggest that the "control means **loads** management data modules **according to** at least **a first mode**...and **a second mode**..." as recited in claim 5.

Claim 5 is patentable over the prior art. Claim 15 is also patentable over the prior art for analogous reasons, as claim 15 teaches similar claim elements but in a method format.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 3, 4, 12, 13, 14, and 16 - 20 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Gandhi in view of Chobotaro et al. (US 2003/0202408; hereinafter "Chobotaro").

4

     Claim 21 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Gandhi in view of Chobotaro, and further in view of Bowman-Amuah et al. (6,611,867; hereinafter Bowman-Amuah). Applicants respectfully traverse these rejections.

Claim 2

Claim 2 recites, in part:

> said control means which controls, whenever a new management data module is loaded, associated with a new version of equipment which has not yet been integrated in said communications network while an old management data module associated with a prior version of the equipment is still loaded and said prior version of the equipment is still integrated in said communications network, i) to put said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated, and then ii), when data indicating an integration of said new version of the equipment are received, to put said new management data module loaded into service so as to provide the management of said new version of the equipment from said new management data module.

The Examiner concedes that Gandhi fails to teach putting said new management data module loaded on standby so as to continue the management of said prior version of the equipment from said old management data module, until said new version of the equipment is integrated, but cites Chobotaro as allegedly curing the deficiencies of Gandhi. Applicants respectfully disagree with the Examiner's position.

     Chobotaro teaches that that the device driver may need to update its control data *whenever the device driver is **initiated**.* (See paragraph [0016]). Chobotaro also teaches a computer system 100 which contains a device driver. (See paragraph [0010]). Thus, in Chobotaro, the updating of the device driver pertains to only a computer system 100. Accordingly, Chobotaro fails to teach or suggest "a new management data module is loaded, associated with a **new version of equipment** which has not yet been integrated in said communications network" as recited in claim 2.

Claims 3 and 13

Claim 3 recites in part:

> said standby consists firstly of allowing the management of said new version of
> the equipment from said new management data module, without taking account of
> error messages related to its non-integration in said communications network, and
> secondly to send a message to said old management data module indicating that a
> change of version is under way and that said old management data module must
> not take account of at least some of the error messages related to a conjoint
> management of the old and new versions of the equipment.

The Examiner asserts, "Gandhi et al., FIG. 2 that the remote controller 204 provides a user

interface (UI) 240 that allows a user to enter control data for controlling the controlled device

206" in allegedly disclosing, "a device according to claim 2 wherein said standby consists

firstly of allowing the management of said new version of the equipment from said new

management data module, without taking account of any error messages related to its non-

integration in said communications network". We disagree with the Examiner's position.

First, Gandhi does not disclose in FIG. 2 a remote controller 204, a user interface 240,

or controlled device 206. Gandhi does disclose in FIG. 2, a controlled device 106. A

controlled device 106 in Gandhi, however, does not teach or suggest, "a device according to

claim 2 wherein said standby consists firstly of allowing the management of said new version of

the equipment from said new management data module, without taking account of any error

messages related to its non-integration in said communications network" as recited in claim 3.

The Examiner also asserts:

> Networking also allows multiple devices to establish one or more connections
> with a single device, and it allows for a device to be capable of both initiating and
> accepting connections to/from other devices", (See Gandhi, Paragraph [0048])

as allegedly disclosing:

> and secondly to send a message to said old management data module indicating
> that a change of version is under way and that said old management data module

6

must not take account of at least some of the error messages related to a conjoint management of the old and new versions of the equipment.

Applicants respectfully disagree with the Examiner's position.

Gandhi discloses, "Networking, in this context, describes a style of connectivity that enables any networked device, without having established a prior relationship or maintaining a persistent relationship between the devices". Nowhere in Gandhi, however, does Gandhi teach or suggest, "to send a message to said old management data module indicating that a change of version is under way and that said old management data module must not take account of at least some of the error messages related to a conjoint management of the old and new versions of the equipment".

Claim 3 is patentable over the prior art. Claim 13 is also patentable over the prior art for analogous reasons, as claim 13 recites similar elements as claim 3, but in a method format.

Claims 4 and 14

Claim 4 recites, in part, "said control means which, in a case of synchronization between said new version of the equipment and said new management data module, deletes said old management data module". The Examiner concedes that Gandhi fails to teach deleting the old management data module, but cites Chobotaro as allegedly curing the deficiencies of Gandhi. Applicants respectfully disagree with the Examiner's position as there is no motivation or suggestion for the Examiner's proposed combination of references.

Applicants respectfully submit that one of ordinary skill in the art at the time of the presently-claimed invention would not have been motivated to combine Gandhi and Chobotaro as suggested by the Examiner because there is no suggestion of motivation for doing so in the references themselves or the knowledge available to one of ordinary skill in the art without resorting to impermissible hindsight. Chobotaro teaches updating the device driver for a single

7

computer system. (See paragraph [0010]). Alternatively, Gandhi teaches networking of multiple

devices. (See paragraph [0048]). Accordingly, Gandhi and Chobotaro teach fundamentally

different systems as processes of Gandhi relate to networking *multiple* devices and processes of

Chobotaro relate to device drivers of a *single* device. Thus, Gandhi and Chobotaro are

inapposite because of the disparity as pointed out above, and the only possible motivation for the

Examiner's proposed combination is Applicant's own disclosure, the reliance on which

constitutes impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20

USPQ 1438 (Fed. Cir. 1991)).

Applicants respectfully submit that Chobotaro does not compensate for the deficiencies

of Gandhi, and thus, Gandhi and Chobotaro, alone or in combination, do not teach or suggest all

of the features of claim 4. Claim 14 is also patentable over the prior art for analogous reasons, as

claim 14 recites similar elements as claim 4.

Claim 21

The Examiner concedes that the Gandhi in view of Chobotaro fails to teach a network

comprising WDM, SONET and SDH type, IP and ATM type, conventional, mobile and NGN

type. The Examiner however cites Bowman-Amuah as allegedly curing the deficiencies of the

Gandhi in view of Chobotaro. The combination of Bowman-Amuah, Gandhi, and Chobotaro,

alone or in combination do not teach or suggest all the features of claim 21. Thus, claim 21 is

allowable over Gandhi in view of Chobotaro, and further in view of Bowman-Amuah

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

      The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

                                Respectfully submitted,

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